

Exhibit 5

U.S. Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

March 11, 2019

Lauren Joyner
Texas Rio Grande Legal Aid, Inc.
316 S. Closner Blvd
Edinburg, TX 78539

RE: ICE FOIA Case Number 2019-ICFO-29060

Dear Ms. Joyner:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated February 15, 2019. You have requested copies of the following records:

all records pertaining to Gerardo Vasquez Negrete, A- [REDACTED] DOB: [REDACTED], COB: Mexico (please see request for specific details)

ICE has considered your request under the FOIA, 5 U.S.C. § 552.

A search of the ICE Office of Enforcement and Removal Operations (ERO) for records responsive to your request produced 7 pages that are responsive to your request. After review of those documents, I have determined that 0 pages will be released in their entirety. Portions of 7 pages will be withheld pursuant to Exemptions (b)(6), (b)(7)(C), and (b)(7)(E) of the FOIA as described below.

ICE has applied Exemptions (b)(6) and (b)(7)(C) to protect from disclosure names and identification numbers of law enforcement personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The types of documents and/or information that we have withheld may consist of social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

ICE has applied Exemption (b)(7)(E) to protect from disclosure of event number, ICE searchable databases and ICE URL addresses.

Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I determined that disclosure of law enforcement systems checks could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8, to:

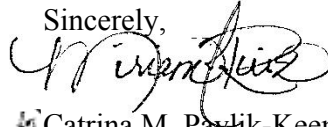
U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office and refer to FOIA case number **2019-ICFO-29060**. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to right to seek

dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Catrina M. Pavlik-Keenan
FOIA Officer

Enclosure(s): 7 page(s)

EARM

Logged In: (b)(6);(b)(7)(C)

Person ID: (b)(7)(E) Sex: M DOB: [REDACTED] Current Age: 36 COB: MEXIC COC: MEXIC

Subject ID: [REDACTED] Processing Disposition: Expedited Removal with Credible Fear RCA Look-Up

Case #: (b)(7)(E) Case Category: [8G] Docket: LRD - 7 (b)(6);(b)(7)(C)

Final Order of Removal: No

Time in Custody: 52 days

Special Class:

Final Order Date: N/A

Depart / Cleared Status: ACTIVE

Proceed With Removal: N/A

Days Final Order in Effect: N/A

-- Select Different Case File --

Current / Active Alerts

In Custody

Z-Hold

Criminal

Vasquez, Gerardo Negrete [REDACTED]

Case Summary

Case Details

Case Category: [8G] Expedited Removal - Credible Fear Referral

Final Order of Removal: No

Final Order Date: N/A

Are there reasons that prevent removal of the alien at this time? N/A

Reason preventing removal: N/A

Cleared-Depart Status: ACTIVE

Aggravated Felon: No Aggravated Felony Convictions

Mandatory Detention: Yes

Special Classes:

Last Updated By: (b)(6);(b)(7)(C)

Last Update: 01/24/2019

EOIR Search

IHRP Case:

☐ Yes
 ☐ No

Important Case Dates

Entry Date:	01/04/2019
Apprehension Date:	01/04/2019
Case Creation Date:	01/05/2019
Charging Document Issued - I860 :	01/04/2019
Charging Document Served :	N/A
A-File to Trial Attorney:	N/A
Initial Book-in:	01/05/2019
Last Book-in:	01/05/2019
Final Book-out:	N/A
Last Custody Review:	01/05/2019
Travel Document Requested:	N/A
Case Closed:	N/A

Docket Assignment

DCO: LRD - LAREDO, TX, PROCESSING CENTER

Docket Name: 7 (b)(6);(b)(7)(C)

Case Call-ups

Expires	Status	Description	Set By	Set Date
03/05/2019	Active	Parole Due on 03/15/2019.	(b)(6);(b)(7)(C)	01/24/2019

how Completed call-ups in listing

Encounters Included in Case File

A-Number	Subject ID	Last Name	First Name	COB	Age	Entry Date	Apprehended	Disposition	Primary
[REDACTED]	[REDACTED]	Vasquez Negrete	Gerardo	MEXIC	[REDACTED]	01/04/2019	01/04/2019	Expedited Removal with Credible Fear	★

Administrative and Criminal Immigration Charges

Nothing found to display.

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Additional Charges of Inadmissibility/Deportability (I-261)

Nothing found to display.

Case Closure

his case is currently Active.

United States Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) | Release EARM 5.54

EARM

Logged In: (b)(6);(b)(7)(C)

Person ID: (b)(7)(E) Sex: M DOB: [REDACTED] Current Age: [REDACTED] COB: MEXIC COC: MEXIC

 Subject ID: [REDACTED] Processing Disposition: Expedited Removal with Credible Fear [RCA Look-Up](#)

Case #: (b)(7)(E) Case Category: [8G] Docket: LRD - 7 (b)(6);(b)(7)(C)

 Final Order of Removal: No Time in Custody: 52 days Special Class:
 Final Order Date: N/A Depart / Cleared Status: ACTIVE
 Proceed With Removal: N/A
 Days Final Order in Effect: N/A

-- Select Different Case File --

Current / Active Alerts

In Custody

Z-Hold

Criminal

Vasquez, Gerardo Negrete 071 503 947

Person History
ncounter History

Ref#	Subject ID	A-Number	Last Name	COB	Historical Priority	Event ID	Apprehended	Current Processing Disposition	Case #
6	[REDACTED]	[REDACTED]	VAZQUEZ NEGLETE	MEXIC	N/A	(b)(7)(E)	01/04/2019	Expedited Removal with Credible Fear	(b)(7)(E)
5	[REDACTED]	[REDACTED]	VASQUEZ NEGLETE	MEXIC	N/A		03/26/2018	Expedited Removal with Credible Fear	
4	[REDACTED]	[REDACTED]	VASQUEZ NEGLETE	MEXIC	Priority 1		12/20/2016	Expedited Removal with Credible Fear	
3	[REDACTED]	[REDACTED]	VASQUEZ NEGLETE	MEXIC	N/A		10/22/2016	Expedited Removal (I-860)	
2	[REDACTED]	[REDACTED]	VASQUEZ	MEXIC	N/A		01/14/2014	Bag and Baggage	
1	[REDACTED]	[REDACTED]	VASQUEZ	MEXIC	N/A		N/A	Notice to Appear Released (I-862)	

ase History

Case #	Case Category	Historical Priority	DCO	Final Order of Removal	Depart-Cleared Status
(b)(7)(E)	8G - [8G] Expedited Removal - Credible Fear Referral	N/A	LRD	N/A	ACT
	8G - [8G] Expedited Removal - Credible Fear Referral	N/A	LRD	09/06/2018	8
	8G - [8G] Expedited Removal - Credible Fear Referral	Priority 1	HOU	06/20/2017	8
	8F - [8F] Expedited Removal	N/A	LRD	N/A	ACT
	5B - [5B] Removable - ICE Fugitive	N/A	DAL	12/04/2012	6

etention History

Initial Book In	Classification Level	Last/Current Detention Location	Final Book Out Date	Final Book Out Description
01/05/2019 1041	ML	RGRNDTX-RIO GRANDE DETENTION CENTER	N/A	N/A
03/26/2018 1651	ML	RGRNDTX-RIO GRANDE DETENTION CENTER	10/10/2018 1033	Released
12/20/2016 1123	MH	HOUCDF-HOUSTON CONTRACT DET.FAC. (IHSC)	06/22/2017 0441	Released
01/14/2014 0916	MH	DALHOLD-DALLAS F.O. HOLD	01/14/2014 1254	Released

Alternatives to Detention (ATD) History

Nothing found to display.

Assessment History Person Assessment History

<u>Assessment Date</u>	<u>Historical Priority</u>	<u>Conditions</u>	<u>Assessed by</u>
01/05/2019 08:10 AM	N/A	<ul style="list-style-type: none"> Has been apprehended at the border or port of entry while attempting to unlawfully enter the United States Has been issued a Final Order of Removal 	EARM
01/05/2019 08:08 AM	N/A	<ul style="list-style-type: none"> Has been apprehended at the border or port of entry while attempting to unlawfully enter the United States Has been issued a Final Order of Removal 	EARM
01/05/2019 03:06 AM	N/A	<ul style="list-style-type: none"> Has been apprehended at the border or port of entry while attempting to unlawfully enter the United States Has been issued a Final Order of Removal 	EARM
03/26/2018 01:47 PM	N/A	<ul style="list-style-type: none"> Has been apprehended at the border or port of entry while attempting to unlawfully enter the United States Has been issued a Final Order of Removal 	EARM
03/26/2018 06:00 AM	N/A	<ul style="list-style-type: none"> Has been apprehended at the border or port of entry while attempting to unlawfully enter the United States Has been issued a Final Order of Removal 	EARM
01/30/2017 02:17 PM	Priority 1	<ul style="list-style-type: none"> Has been apprehended at the border or port of entry while attempting to unlawfully enter the United States Has been issued a Final Order of Removal 	EARM

Encounter Assessment History

<u>Assessment Date</u>	<u>Subject ID</u>	<u>Historical Priority</u>	<u>Conditions</u>	<u>Assessed by</u>
01/05/2019 08:10 AM	[REDACTED]	N/A		(b)(6);(b)(7)(C)
01/05/2019 08:08 AM	[REDACTED]	N/A		
03/26/2018 01:47 PM	[REDACTED]	N/A	<ul style="list-style-type: none"> Has been apprehended at the border or port of entry while attempting to unlawfully enter the United States Has no criminal convictions or criminal arrests/charges with pending dispositions 	
01/30/2017 02:17 PM	[REDACTED]	Priority 1	<ul style="list-style-type: none"> Has been apprehended at the border or port of entry while attempting to unlawfully enter the United States Has been issued a Final Order of Removal 	

EARM

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Logged In: (b)(6);(b)(7)(C)

Person ID: (b)(7)(E) Sex: M DOB: [REDACTED] Current Age: [REDACTED] COB: MEXIC COC: MEXIC

Subject ID: [REDACTED] Processing Disposition: Expedited Removal with Credible Fear RCA Look-Up

Case #: (b)(7)(E) Case Category: [8G] Docket: LRD - 7 - (b)(6);(b)(7)(C)

Final Order of Removal: No

Time in Custody: 52 days

Special Class:

Final Order Date: N/A

Depart / Cleared Status: ACTIVE

Proceed With Removal: N/A

Days Final Order in Effect: N/A

-- Select Different Case File --

Current / Active Alerts

In Custody

Z-Hold

Criminal

Vasquez, Gerardo Negrete [REDACTED]

Encounter Details

6 Encounter(s) linked to Person ID (b)(7)(E)

	Ref#	Subject ID	A-Number	Last Name	First Name	COC	Historical Priority	DOB	Encountered on	Case	Case Category
<input checked="" type="radio"/>	6	[REDACTED]	[REDACTED]	VAZQUEZ NEGRETE	GERARDO	MEXIC	No Priority	[REDACTED]	01/04/2019	(b)(7)(E)	8G
<input type="radio"/>	5	[REDACTED]	[REDACTED]	VASQUEZ NEGRETE	GERARDO	MEXIC	No Priority	[REDACTED]	03/26/2018		8G
<input type="radio"/>	4	[REDACTED]	[REDACTED]	VASQUEZ NEGRETE	GERARDO	MEXIC	Priority 1	[REDACTED]	12/20/2016		8G
<input type="radio"/>	3	[REDACTED]	[REDACTED]	VASQUEZ NEGRETE	GERARDO	MEXIC	No Priority	[REDACTED]	10/22/2016		8F
<input type="radio"/>	2	[REDACTED]	[REDACTED]	VASQUEZ	GERARDO	MEXIC	No Priority	[REDACTED]	01/07/2014		5B

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Encounter Details All information below may only be edited in EAGLE

Event Number: (b)(7)(E) Operation: N/A
Event Occurred On: 01/04/2019 Site: N/A
Event Type: Administrative Non-Criminal Individual Landmark: N/A

Event / Incident Information

Primary Agent: N/A
Assigned On:
Event Supervisor: N/A
Assigned On:

FINS: 1070291883

A-Number: [REDACTED]

Control Name: VASQUEZ NEGRETE

First Name: GERARDO

Middle Name: N/A

Maiden: N/A

Nickname: N/A

Living?: N/A

Sex: M

Transgender: N/A

Marital Status: Single

SSN: N/A

Juvenile Verified: N/A

Occupation: ENGLISH TEACHE

Historical Priority: No Priority

Criminal Type: N/A

Agg Felon: No Aggravated Felony Convictions

Primary Citizenship: MEXICO

Hair: BLK

Eyes: BLK

Complexion: LBR

Race: W

Origin: N/A

Date of Birth: [REDACTED]

Age: [REDACTED]

Age at Encounter: 36

Height: 70

Weight: 300

Speak/Understand English: N/A

Read/Write English: N/A

Primary Language: N/A

Subject Information

Role: P

Role Comment: N/A

Processing Disposition: Expedited Removal with Credible Fear

INS Status: N/A

POE: LAREDO, TX

Entry Date: 01/04/2019

Entry Class: Asylum

Apprehension Date: 2019-01-04 17:52:59.0

Site: LAR

Landmark: N/A

Arrest At/Near: LAR

Juvenile Status: N/A

Family Unit ID: N/A

Separation Reason: N/A

Accompanying Family Member Relation: N/A

I-213 Narrative Narrative 1 : Created Date: 01/04/2019 08:30 PM Subject expressed Credible Fear of returning to their home country of Mexico. Subject was not in possession of valid documentation to enter the United States, and was processed for an Expedited Removal pursuant to Section 212(a)(7)(A)(i)(I) under the provision of section 235(b)(1) of the INA. Subject was detained pending a Credible Fear Interview, and was turned over to the custody of ERO (Enforcement Removal Operations).

ENTRY/INADMISSIBILITY:

On January 4, 2019, at approximately 1245 hours, subject, VAZQUEZ NEGRETE, Gerardo born on [REDACTED], a Mexican Citizen, applied for admission into the United States from Mexico through the Gateway to the Americas Bridge 1, Port of Entry, in Laredo, Texas. Subject requested asylum and was then referred to Passport Control Secondary for further interviewing and processing.

AT-DOWN:

Pat-down for merchandise, contraband, and documents was conducted on subject VAZQUEZ NEGRETE, Gerardo born on [REDACTED] by CBPO (b)(6);(b)(7)(C) and witnessed by CBPO (b)(6);(b)(7)(C) which resulted in negative findings. The subject had \$00.00 U.S. Dollars and 550.00 Mexican Pesos on his possession, which was documented on the Currency/Monetary Instrument Inventory Sheet. The pat-down was authorized by SCBPO (b)(6);(b)(7)(C). At this time, the subject was escorted to Passport Control Secondary for processing.

MIRANDA WARNING:

The adverse action was administrative and did not require an I-214 Miranda Warning to be issued.

ADVISEMENT OF I-867A/B:

At the Gateway to the Americas Port of Entry, in Laredo, Texas, subject VAZQUEZ NEGRETE, Gerardo born on May 23, 1982, was advised of his rights as per official CBP Form M-444 in the English language. The subject also read the form in the English language. Subject VAZQUEZ NEGRETE, Gerardo born on May 23, 1982, stated that he understood his rights and that he was willing to answer any questions regarding his application for admission into the United States.

SWORN STATEMENT:

A sworn statement was taken from the subject by CBPO (b)(6);(b)(7)(C) to which he affirmed his aforementioned request for asylum in the United States. The subject claimed that he could not return to his native country of Mexico. He admitted that he did not have documentation that would allow him to legally enter and stay in the United States, which is why he is requesting Asylum.

IMMIGRATION HISTORY:

As per CBP Database Queries, the subject has derogatory immigration history and illegal apprehensions.

RECORDS CHECKS:

As per CBP Database Queries, subject does have a criminal history and other derogatory information was found in CBP databases.

MOTIVATION/INTENT TODAY:

Subject claims he is trying to get away from the Mexican Cartels, therefore he is seeking asylum in the United States.

TERRORIST LINKS:

The subject was interviewed and record checks completed. No links to terrorism or travel to countries linked to terrorism or gang affiliation could be established.

CREDIBLE FEAR STATEMENT:

Subject was questioned using CBP form I-867B (Record of Sworn Statement) as to his fear of being returned to his native country or the country he just departed (Mexico), and the subject made a statement that he had fear to return to his native country.

HEALTH CONDITION:

Subject claims to be in good health and but he is taking medication. Subject did not request any medical attention while in detention just the opportunity to be taking his medication which were given to him upon his request for his anxiety illness. EMT were called due to subject providing contradictory information on dosage of his medication, vitals were checked and dosage clarified to 3 times a day by EMT. Subject was provided with food, water, and was allowed to use the restroom while he was detained. SIGMA custody log was updated while he was in CBP custody.

CONSULATE RIGHTS/NOTIFICATION:

Subject was notified of his rights, as a non-U.S. Citizen, to have a consular representative of his country notified of his detention. When asked if he wanted his consular representative notified, the subject stated he did not want his consulate notified.

DISPOSITION:

Subject VAZQUEZ NEGRETE, Gerardo born on May 23, 1982, is inadmissible into the United States pursuant to section 212(a)(7)(A)(i)(I) of the INA and was processed for Expedited Removal-Credible Fear under the provision of section 235(b)(1) of the INA. Forms I-860, M-44 (Spanish) I-296, and List of Legal Services were executed and the subject was served with Forms M-444 (Spanish) and List of Legal services. Subject was detained pending a Credible Fear Interview, and was turned over to the custody of ERO (Enforcement Removal

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